



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re United States Application

Serial No.: 09/914,205

Filing Date: August 23, 2001

Applicant: Charles D. Y. Sia et al.

Title: EXPRESSING GP140 FRAGMENT OF PRIMARY HIV-1 ISOLATE

Our Ref: 1038-1176 MIS:sd

January 29, 2003

The Commissioner of Patents
and Trademarks,
Box DAC
Washington, D.C. 20231,
U. S. A.

ATTENTION: PCT LEGAL OFFICE

RENEWED PETITION UNDER 37 CFR 1.47(a)

Dear Sirs:

This Renewed Petition is submitted following receipt of the Decision on Petition dated September 26, 2002. Petition is hereby made under the provisions of 37 CFR 1.136(a) for an extension of three-months of the period for submission of this Renewed Petition. Our cheque in the amount of the prescribed fee is enclosed.

In the Decision on Petition, it was indicated that applicants have not sufficiently met the requirements of Items (2) and (4) of 37 C.F.R. 1.47(a). In support of this Renewed Petition, submitted herewith is a further Declaration of Mr. Reza Yacoob, with Exhibits A and B thereto.

With respect to Item (2), Mr. Yacoob explains that there was a clerical error in his prior Declaration and the Declaration and Power of Attorney was not returned by the non-signing inventor. Any inconvenience caused the Office by this error is regretted.

With respect to the request for documentary evidence that Mr. Sia received a complete copy of the application, reference is made by paragraph 4 of the enclosed Declaration and Exhibits A and B thereto. As stated, a complete copy of the application

(Exhibit A) was delivered to and signed for by Charles D. Y. Sia on January 10, 2002 (Exhibit B).

With respect to the requirement that further attempts should be made to contact Mr. Sia, reference is made to paragraph 5 of the enclosed Yacoob Declaration. As stated in paragraph 6 of the enclosed Declaration and repeating what is stated in Mr. Yacoob's prior Declaration, the lack of communication from Mr. Sia is consistent with his conduct with respect to documents requiring signature concerning patent applications in which he is a named inventor, since termination of his employment by Aventis Pasteur Limited.


It is submitted that Mr. Sia's conduct with respect to the Declaration and Power of Attorney for this case and in other applications is tantamount to a refusal to sign the Declaration and Power of Attorney. It is submitted that Item (2) is satisfied.

With respect to Item (4), reference is made to paragraph 7 of the enclosed Yacoob Declaration. As explained therein, a complete Declaration and Power of Attorney, bearing all the inventors names, was sent to Mr. Rovinski for his signature on behalf of the non-signing inventor, but only the signature page was returned.

A complete Declaration and Power of Attorney bearing Mr. Rovinski's signature is enclosed. It is submitted that Item (4) is now satisfied.

Having regard to the above and the enclosed materials, it is submitted that this Renewed Petition should be granted.

Respectfully submitted,



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